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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,871	09/29/2003	Deborah L. King	DLK1	1535
27789	7590	01/11/2006	EXAMINER	
CHARLES C. MCCLOSKEY 763 S. NEW BALLAS ROAD STE. 170 ST. LOUIS, MO 63141			TWEEL JR, JOHN ALEXANDER	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,871	Applicant(s) KING, DEBORAH L.	
	Examiner John A. Tweel, Jr.	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9-11,13-15,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9-11,13-15,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This Office action is in response to the amendment filed 10/17/05. Claims 1, 2, 5, 6, 9-11, 15, 18, and 20 have been amended. Claims 3, 7, 8, 12, 16, 17, and 19 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4, 5, 9, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** [U.S. 5,714,932] in view of **Haner** [U.S. 6,396,403] and **Crabtree et al** [U.S. 6,788,199].

For claim 1, the alert and tracking assembly taught by **Castellon** includes the following claimed subject matter, as noted, 1) the claimed receiver is met by both the central control unit (No. 10) and the portable search and locate unit (No. 70) having a portable housing, both units having a front and back, a microprocessor (No. 111) to process information, a means (No. 26) to input information, a means (No. 16) to output information, a scanner (antennae 14a-14d and RF orientation detector No. 110) connected to the processor, and a power source (AC power plug for central unit, battery 414 for the hand-held unit), 2) the claimed transmitter is met by the portable transmitter (Fig. 8) that continuously emits a radio signal at a predetermined frequency, and 3) the claimed means to secure the transmitter is met by the band (No. 514) with lockable latch (No. 516), the receiver displays the relative location (No. 20) of the transmitter

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defined by the distance (No. 21) between the transmitter and receiver. However, the receiver uses only short range scanning to locate the transmitter, not long range scanning.

The child monitoring system taught by **Haner** includes a combination bracelet and camera transmitting assembly in conjunction with a receiver for tracking and providing audible and visual contact with a child. In one embodiment of the invention microminiaturized GPS technology is used which gives latitude/longitude readouts for child location. Heretofore, signal strength monitors have been used, but have suffered signal interferences that mislead or become distorted to aid in a parent finding the actual location of a child. This inclusion of GPS serves to insure that the child can be found no matter where in the world they may be located.

The primary reference would benefit greatly from an improvement wherein the child is always in range of the receiver, whether in short or long range. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a long-range scanner such as GPS in the system of Castellon for the purpose of insuring the location of a child is found. The scanner of Castellon receives the signal directly from the transmitter; the scanner of Haner receives signals from an earth orbiting satellite. Also, there is no mention of the receiver being a size suitable for holding by a user's hand or concealing the transmitter on a child.

The article locator system taught by **Crabtree** includes similar subject matter as the primary references; that is, an article locator system attached to people, animals, or items. Figures 1, 4, and 5 depict a handheld transceiver (No. 10) in which a direction

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and distance are presented to the user to locate different items. This is plain evidence that hand-held receivers have been used in article location systems for some time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a hand-held receiver for the purpose of using a well known and obvious receiver configuration. Also, the transmitter held by the animal or person can be hidden on the person using clips or adhesive.

For claim 4, the processing means of Castellon accepts information from the keypad and orientation detector, processes the information, and displays the information on the screen (No. 16).

For claim 5, the central control unit of Castellon stores information regarding a plurality of transmitters using a unique unit binary code. The other two references do not mention binary identifying information.

For claim 9, each transmitter of Castellon has a unique code with a broadcast signal.

For claim 10, the transmitter of **Haner** includes a waterproof pouch planar in shape, and the **Crabtree** reference attaches the transceiver to a person using adhesive as one method.

For claim 20, the method of tracking one or more objects taught by **Castellon** includes the following claimed steps, as noted, 1) the claimed inserting a transmitter in a pouch is achieved using the waterproof bracelet mentioned in the specification, which can be considered a type of "pouch", 2) the claimed placing the pouch on an object is achieved using the bracelet with a lockable latch (No. 516), 3) the claimed entering

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information about the object into a receiver is achieved using the central control unit which stores names and bracelet numbers in memory, 4) the claimed activating a receiver is achieved using the power switch of both the central and portable locator units which receive a unique unit binary code, 5) the claimed selecting the mode of operation is achieved using the central control unit that has a plurality of modes (Col. 14, Lns. 1-12), and 6) the claimed displaying information about the identity and location of the object is achieved using the display (No. 16) that has a distance calculation (No. 21). However, the receiver uses only short range scanning to locate the transmitter, not long range scanning.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above. Also, there is no mention of displaying information on a single screen.

The article locator system of **Crabtree** uses a single screen to display the distance and heading to an object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a single screen for the purpose of using a common and well-known display system.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon** in view of **Haner** and **Crabtree et al** as applied to claim 1 above, and further in view of **Giel et al** [U.S. 5,881,377].

For claim 2, the keypad of **Castellon** includes keys corresponding to the alphabet and numbers, as well as scroll buttons to activate different modes of operation of the scanner. However, there is no mention of a removable cover on the receiver.

Removable covers are as common and well known as flip-open cell phones having a hinged cover. One such device is taught by **Giel** wherein a cover (No. 104) is provided for the keypad. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a keypad cover for the purpose of using a well known and common communication tool.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** and **Crabtree et al** as applied to claim 5 above, and further in view of **Mohr** [U.S. 6,127,931].

For claim 6, the assembly of Castellon includes a display for presenting information, an alarm light for notifying people throughout a building, a speaker (No. 22) that sounds when the strength of the signal falls below a threshold, and a port (No. 272). The port of the central control unit of Castellon is designed to work with the port of the hand-held receiver of the same reference. The reference of Crabtree includes a single display. However, there is no mention of a homing light or an actuator that vibrates in cooperation with the alarm light.

The device for monitoring the movement of a person taught by **Mohr** includes a homing device that illuminates in the direction and proximity of a monitored child. It also includes a vibratory alarm (No. 40) that activates when the visual alarms (No. 26) are

also activated. This provides a device for monitoring the movement of a person that is able to indicate a direction and distance of the person being monitored. It also provides evidence that vibratory alarms have been used in conjunction with visual and audible alarms to notify the caretaker.

As the primary reference pertains to similar subject matter as the Mohr reference, it would have been obvious to one of ordinary skill in the art to provide a homing signal and vibratory alarm for the purpose of using the signal to definitely locate a child and insuring the caretaker of being notified of the alert signal.

6. Claims 11, 13, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** and **Giel**.

For claim 11, the parental alert and child tracking assembly taught by **Castellon** includes the following claimed subject matter, as noted, 1) the claimed receiver is met by both the central control unit (No. 10) and the portable search and locate unit (No. 70) having a portable housing, both units having a front and back, a microprocessor (No. 111) to process information, a means (No. 26) to input information, a means (No. 16) to output information, a scanner (antennae 14a-14d and RF orientation detector No. 110) connected to the processor, and a power source (AC power plug for central unit, battery 414 for the hand-held unit), 2) the claimed transmitter is met by the portable transmitter (Fig. 8) that continuously emits a radio signal at a predetermined frequency, and 3) the claimed means to secure the transmitter is met by the band (No. 514) with lockable latch (No. 516), the assembly displays the location of the transmitter upon the

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transmitter exceeding a certain distance from the receiver. However, the receiver uses only short range scanning to locate the transmitter, not long range scanning.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above. Also, there is no mention of a removable cover upon the front to prevent striking of the display and entry screen.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 2 above.

For claim 13, the processing means of Castellon accepts information from the keypad and orientation detector, processes the information, and displays the information on the screen (No. 16).

For claim 14, the central control unit stores information regarding a plurality of transmitters using a unique unit binary code.

For claim 18, each transmitter of Castellon has a unique code in the broadcast signal.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Castellon et al** in view of **Haner** and **Giel** as applied to claim 14 above, and further in view of **Mohr**.

For claim 15, the assembly of Castellon includes a display for presenting information, an alarm light for notifying people throughout a building, a speaker (No. 22) that sounds when the strength of the signal falls below a threshold, and a port (No. 272). The port of the central control unit of Castellon is designed to work with the port

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of the hand-held receiver of the same reference. The reference of Crabtree includes a single display. However, there is no mention of a homing light or an actuator that vibrates in cooperation with the alarm light.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 6 above.

Response to Arguments

Argument 1:

“...regarding claim 2, the patent to Giel et al, No. 5,881,377 teaches of a radio telephone with a flip down cover. The cover also contains a microphone to collect the user's speech for transmission. Applicant asserts that it would not be obvious to apply a microphone bearing cover from cell phones to the art of radio based locating devices for children.”

Argument 2:

“...regarding claims 6 and 15, the '932 patent teaches of some alarm features of the present invention but not all... The '931 patent has alarms that sound or vibrate when a transmitter exceeds a predetermined distance, upwards of sixty feet in Fig. 2... In contrast, the present invention has visual, audible, and vibratory alarms in the same unit and a range greater than sixty feet.”

Argument 3:

“Examiner asserts that the ‘199 patent shows a waterproof housing for a transmitter made small enough for ready attachment to a variety of objects. In contrast, the present invention has a transmitter placed and sealed into a waterproof pouch and placed upon a child...The transmitter of the present invention may not be waterproof itself unlike that in the ‘199 patent. Applicant asserts that a flexible waterproof pouch differs from a rigid housing.”

8. Applicant's arguments filed 10/17/05 have been fully considered but they are not persuasive.

Response to Argument 1:

The fact that the flip down cover of **Giel** includes a microphone is beside the point. The reference clearly teaches a cover that prevents inadvertent striking of the keys. As this is within the subject matter of the invention, the above rejection stands.

Response to Argument 2:

Nowhere in either claim 6 or 15 is there any mention of a range of a certain distance. As the references include the above claimed subject matter, the above rejection is deemed correct and proper.

Response to Argument 3:

The reference taught by **Haner** includes a flexible protective sleeve for covering and protecting the transmitter. This flexible protective sleeve differs from a rigid housing.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

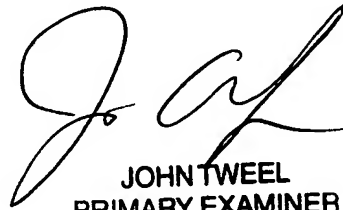
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
1/7/06



JOHN TWEEL
PRIMARY EXAMINER